

REMARKS

By the foregoing Amendment, Claims 1, 4, 7, 8, 10, 17 and 18 have been amended, and Claims 5-6, 9, 12-16 and 18 have been cancelled. Favorable consideration of the application is respectfully requested.

Claims 1, 2, 5-7, 10-12, and 14-16 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Polakowski, disclosing a personal watercraft having exhaust pipes which discharge exhaust gases to either side of the hull of the watercraft. Claims 5-6, 12 and 14-16 have been cancelled. The Examiner indicated that Polakowski discloses a "means for linking" which comprises a link 170, and that in Polakowski, directing engine exhaust out of one of the exhaust outlets prevents directing the engine exhaust out of the other of the exhaust outlets. The Examiner indicated that Polakowski has a mode of operation in which "the linkage is in the full rotated clockwise position, the apparatus is directing engine exhaust out of one exhaust outlet and preventing the engine exhaust from [sic] being directed out of the other outlet." However, in Polakowski the link 170 is connected to the movable members by tethers 174 and 176, which does not allow the link 170 to move the movable members in reciprocal motion so that opening one valve simultaneously closes the other. This operation of the valves in Polakowski allows exhaust to be vented to the port and starboard sides of the watercraft in varying proportions for the purpose of steering the watercraft. As is pointed out at pages 1 and 2 of the specification for the present invention, a wake surfer surfing a wake on either the port or starboard side behind a boat can be in great danger from exposure to engine

exhaust vented out both of the port and starboard sides of the boat. Polakowski does nothing to insure that opening of an engine exhaust vent on one side of a boat reciprocally and simultaneously causes an engine exhaust vent on the other side of the vent to close to insure that engine exhaust is vented out only one side of a boat at a time.

The claims have been amended to clarify the distinction of the claimed invention over Polakowski. Claim 1 has been amended to recite “a connector rod forming a mechanical linkage between said first and second valves for reciprocal motion so that opening of one of the first and second valves simultaneously closes the other of the first and second valves.” It is respectfully submitted that Polakowski does not teach, disclose or suggest a connector rod forming a mechanical linkage between first and second valves for reciprocal motion so that opening of one of the first and second valves simultaneously closes the other of the first and second valves.

Claim 8 has been similarly amended to recite “controlling a flow of engine exhaust to permit the flow of engine exhaust through one of the port and starboard side exhaust outlets by simultaneously opening one of the first and second valves and closing the other of the first and second valves, such that directing the engine exhaust out of one of the port and starboard side exhaust outlets prevents directing the engine exhaust out of the other of the port and starboard side exhaust outlets.” It is respectfully submitted that Polakowski does not teach, disclose or suggest controlling a flow of engine exhaust by simultaneously opening one of first and second valves and closing the other of the first and second valves to direct engine exhaust out of one of the port and starboard side

exhaust outlets and prevent directing the engine exhaust out of the other of the port and starboard side exhaust outlets.

Claim 10 has been amended to recite “a controller unit operatively connected to said first and second electrically controlled valves for reciprocally switching one of the first and second electrically controlled valves open and the other of the first and second electrically controlled valves closed, such that the engine exhaust is directed out of one of the port or starboard side exhaust outlets.” It is respectfully submitted that Polakowski does not teach, disclose or suggest reciprocally switching one of first and second electrically controlled valves open and the other of the first and second valves closed.

Claim 17 has been similarly amended to recite “controlling flow of engine exhaust by simultaneously opening one of the first and second electrically controlled valves and closing the other of the first and second electrically controlled valves to permit the flow of engine exhaust through one of the first and second exhaust conduits, such that directing the engine exhaust out of one of the exhaust conduits prevents directing the engine exhaust out of the other of the exhaust conduits.” It is respectfully submitted that Polakowski does not teach, disclose or suggest controlling flow of engine exhaust by simultaneously opening one of first and second electrically controlled valves and closing the other of the first and second electrically controlled valves to permit the flow of engine exhaust through one of port and starboard side exhaust outlets, such that directing the engine exhaust out of one of the port and starboard side exhaust outlets prevents directing the engine exhaust out of the other of the port and starboard side exhaust outlets.

It is therefore respectfully submitted that Claims 1, 2, 7 and 10-11 are novel and inventive over Polakowski, and that the rejection of Claims 1, 2, 5-7, 10-12, and 14-16 on the grounds of anticipation by Polakowski should be withdrawn.

Claims 4, 13, 8, 9, 17 and 18 were rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Polakowski. Claims 9, 13 and 18 have been cancelled. Regarding Claim 4, the Examiner indicated that it would be obvious to modify the embodiment of figure 11 (of Polakowski) by using electrical valves and control electronics. Claim 4 recites "a controller unit operatively connected to said connector rod for opening one of said first and second valves and closing the other of said first and second valves," so that the Examiner's observation is now inapposite. Claim 4 further depends from Claim 1. As noted above, Polakowski does not teach, disclose or suggest a connector rod forming a mechanical linkage between first and second valves for reciprocal motion so that opening of one of the first and second valves simultaneously closes the other of the first and second valves, as is recited in Claim 1.

With regard to method Claims 8 and 17, the Examiner indicated that Polakowski has at least one mode of operation that satisfies the claim limitation that directing engine exhaust out of one exhaust conduit prevents directing engine exhaust out of the other exhaust conduit. Claim 8 has been amended to recite "controlling a flow of engine exhaust to permit the flow of engine exhaust through one of the port and starboard side exhaust outlets by simultaneously opening one of the first and second valves and closing the other of the first and second valves, such that directing the engine exhaust out of one of the port and starboard side exhaust outlets prevents directing the engine exhaust out of

the other of the port and starboard side exhaust outlets.” It is respectfully submitted that Polakowski does not teach, disclose or suggest controlling a flow of engine exhaust by simultaneously opening one of first and second valves and closing the other of the first and second valves to direct engine exhaust out of one of the port and starboard side exhaust outlets and prevent directing the engine exhaust out of the other of the port and starboard side exhaust outlets.

Claim 17 has been amended to recite “controlling flow of engine exhaust by simultaneously opening one of the first and second electrically controlled valves and closing the other of the first and second electrically controlled valves to permit the flow of engine exhaust through one of the first and second exhaust conduits, such that directing the engine exhaust out of one of the exhaust conduits prevents directing the engine exhaust out of the other of the exhaust conduits.” It is respectfully submitted that Polakowski does not teach, disclose or suggest controlling flow of engine exhaust by simultaneously opening one of first and second electrically controlled valves and closing the other of the first and second electrically controlled valves to permit the flow of engine exhaust through one of port and starboard side exhaust outlets, such that directing the engine exhaust out of one of the port and starboard side exhaust outlets prevents directing the engine exhaust out of the other of the port and starboard side exhaust outlets.

The Examiner further indicated that regarding Claims 8 and 17 the method steps are inherent in the making and use of the Polakowski apparatus. However, in Polakowski the link 170 is connected to the movable members by tethers 174 and 176, which does

not allow the link 170 to move the movable members in reciprocal motion so that opening one valve simultaneously closes the other.

It is therefore respectfully submitted that Claims 4, 8 and 17 are novel and inventive over Polakowski, and that the rejection of Claims 4, 13, 8, 9, 17 and 18 on the grounds of obviousness from Polakowski should be withdrawn.

Claims 8 and 17 were rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Griffiths, disclosing an exhaust control system for controlling a noise level of the exhaust system by controlling diversion of exhaust between a conduit exhausting directly to the atmosphere and a conduit exhausting through an underwater discharge point. As is discussed in the specification at page 2, the exhaust control system diversion of Griffiths is typical of conventional boat exhaust sound reduction systems that do not reduce carbon monoxide exhausted behind the boat and to either side of a power boat where a person would wake surf.

Claim 8 has been amended to recite “controlling a flow of engine exhaust to permit the flow of engine exhaust through one of the port and starboard side exhaust outlets by simultaneously opening one of the first and second valves and closing the other of the first and second valves, such that directing the engine exhaust out of one of the port and starboard side exhaust outlets prevents directing the engine exhaust out of the other of the port and starboard side exhaust outlets.” It is respectfully submitted that Griffiths does not teach, disclose or suggest controlling a flow of engine exhaust by simultaneously opening one of first and second valves and closing the other of the first and second valves to direct engine exhaust out of one of the port and starboard side

exhaust outlets and prevent directing the engine exhaust out of the other of the port and starboard side exhaust outlets.

Claim 17 has been amended to recite “controlling flow of engine exhaust by simultaneously opening one of the first and second electrically controlled valves and closing the other of the first and second electrically controlled valves to permit the flow of engine exhaust through one of the port and starboard side exhaust outlets, such that directing the engine exhaust out of one of the port and starboard side exhaust outlets prevents directing the engine exhaust out of the other of the port and starboard side exhaust outlets.” It is respectfully submitted that Griffiths does not teach, disclose or suggest controlling flow of engine exhaust by simultaneously opening one of first and second electrically controlled valves and closing the other of the first and second electrically controlled valves to permit the flow of engine exhaust through one of port and starboard side exhaust outlets, such that directing the engine exhaust out of one of the port and starboard side exhaust outlets prevents directing the engine exhaust out of the other of the port and starboard side exhaust outlets. It is therefore respectfully submitted that Claims 8 and 17 are novel and inventive over Griffiths, and that the rejection of Claims 8 and 17 on the grounds of obviousness from Griffiths should be withdrawn.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 

James W. Paul
Reg. No. 29,967

JWP/rvw

Encls.: Return Postcard

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201